IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

MFA.No. 474 of 1997(F)

O.P(MV).NO.1636/1995 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM.
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APPELLANT/2ND RESPONDENT:

THE ORIENTAL INSURANCE CO. LTD.,
PATTAMBI, NOW REPRESENTED BY ITS
ASSISTANT MANAGER, M.T.P.C.C., M.G. ROAD,
KOCHI-35.

BY ADV. SRI.MATHEWS JACOB.

RESPONDENTS/PETITIONERS:
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1. **IYYATHUKUTTY, W/O. LATE MOIDU, OOLAKATH HOUSE, TRITHALA AMSOM & DESOM, OTTAPALAM TALUK, PALAKKAD.**

2. **SUBAIDHA, W/O. ABOOBACKER, -DO- -DO-.**

M.F.A. NO. 474/1997:

3. SUBEENA (MINOR), D/O. ABOOBACKER, -DO- -DO-.

(NO RELIEFS ARE CLAIMED AGAINST THE 1ST RESPONDENT IN THE ORIGINAL PETITION AND HENCE HE IS NOT MADE A PARTY IN THIS APPEAL)

(3RD RESPONDENT MINOR IS REPRESENTED BY HER MOTHER 2ND RESPONDENT)

***ADDL. RESPONDENTS 4 TO 8 IMPLEADED:**

***4. ALIKUTTY, S/O. MOIDU, KUMARANALLOOR, PALAKKAD DISTRICT.**

***5. UMMER, S/O. MOIDU, TRITHALA.**

***6. MOHAMMED, S/O. MOIDU, TRITHALA.**

***7. PATHUMMA, D/O. MOIDU, MAMMIYUR, CHAVAKKAD.**

***8. RUKKIYA, W/O. M.T. MOIDEEN, ALOOR, PALAKKAD DISTRICT.**

***ADDL. RESPONDENTS 4 TO 8 ARE IMPLEADED AS PER ORDER DATED 07/06/2007 IN I.A. NO. 460/2004.**

BY ADV. SRI.R.RAJESH KORMATH,
SMT.PREETHY KARUNAKARAN,
SMT.MEENA.A.,
SMT.M.R.MINI,
SMT.SANJANA R.NAIR,
SRI.JAYKAR.K.S.,
SRI.RAHUL VARMA,
SRI.V.S.ROBIN.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 1910/1997 IN M.F.A. NO. 474/1997

DISMISSED

SD/- J.B.KOSHY, JUDGE.

07/06/2007. **SD/- K.P.BALACHANDRAN, JUDGE.**

//TRUE COPY//

prv.

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.474 OF 1997

Dated 7th June, 2007

JUDGMENT

Koshy,J.

Insurance Company filed this appeal challenging the quantum of compensation. The Apex Court held that in the absence of permission under section 170 of the Motor Vehicles Act, insurance company cannot challenge the quantum of compensation. Hence, this appeal is not maintainable and it is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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